

ORDINANCE NO. 3159

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHULA VISTA MUNICIPAL CODE CHAPTER 2.52, THE
CITY'S CAMPAIGN CONTRIBUTION ORDINANCE, IN
ORDER TO TEMPORARILY SUSPEND THE APPLICATION
OF SECTION 2.52.140 CONCERNING ENFORCEMENT OF
THE ORDINANCE

WHEREAS, Chula Vista City Charter section 904 requires the City Council to "adopt reasonable regulations related to campaign contributions" in order to "avoid the potential for undue or improper influence over elected officials resulting from excessive campaign contributions;" and

WHEREAS, in 1989, the City adopted Chula Vista Municipal Code Chapter 2.52, "Campaign Contributions," in compliance with the City's Charter requirements, and amended the Chapter to its current form in 2007; and

WHEREAS, at the May 25, 2010 and the June 15, 2010 City Council meetings, certain City Council members expressed concerns regarding the City's campaign ordinance, including the amount of City resources expended to investigate complaints filed under the ordinance, potential abuse of the ordinance, and potential duplication of efforts by the City and other agencies; and

WHEREAS, the Council directed the City Attorney to review the ordinance and return to Council with recommendations regarding potentially repealing or amending the ordinance; and

WHEREAS, the City Attorney has undertaken a comprehensive review of the ordinance and anticipates returning to the Council in approximately 60 days with his analysis and recommendations; and

WHEREAS, at the June 15, 2010, City Council meeting, the City Council directed the City Attorney's Office to provide it with information regarding options that may be taken in order to effectively suspend the City's enforcement of Chula Vista Municipal Code (CVMC) Chapter 2.52, pending completion of the City Attorney's comprehensive review; and

WHEREAS, some members expressed a desire to repeal Section 2.52.140 but acknowledged the need to allow the City Attorney the time necessary to complete a comprehensive review of the ordinance and prepare recommendations for amending the ordinance; and

WHEREAS, the City Council desires to suspend enforcement of Chapter 2.52, pending completion of the City Attorney's review and consideration of his recommendations; and

WHEREAS, the City Charter Section 312(e) provides that ordinances may be amended by reenactment of the affected sections; and

WHEREAS, any complaints filed under Section 2.52.140 prior to the effective date of this ordinance would be enforced pursuant to the existing ordinance and would not be affected by this amendment to the ordinance; and

WHEREAS, the suspension of the enforcement of Chapter 2.52 is intended to be temporary, pending review and potential substantive revisions to the ordinance, and any complaints filed during the pendency of the suspension shall still be subject to investigation and action in the future, in accordance with any amendments to the ordinance that the Council may have.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHULA VISTA DOES ORDAIN AS FOLLOWS:

SECTION I. ACTION

- A. Pending a review and consideration by the City Council of possible amendments to Chula Vista Municipal Code Chapter 2.52, the application of the provisions contained in Section 2.52.140 are hereby suspended.
- B. Nothing in this ordinance shall effect complaints filed under Chapter 2.52 prior to the adoption of this ordinance.
- C. Any complaints filed under Chapter 2.52 during the pendency of this suspension shall be subject to review, investigation and enforcement after the suspension expires, pursuant to the ordinance provisions in effect at that time.
- D. This ordinance shall expire 120 days after the date of its final adoption, or upon the enactment of an amendment to Chula Vista Municipal Code Section 2.52.140, whichever comes first.

SECTION II. EFFECTIVE DATE.

This ordinance will take effect and be in force thirty days after final passage.

Presented by

Approved as to form by

(d)(5)

Jill Maland
Assistant City Attorney

(d)(5)

Bart C. Miesfeld
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 13th day of July 2010, by the following vote:

AYES: Councilmembers: Bensoussan, Castaneda and Ramirez

NAYS: Councilmembers: McCann and Cox

ABSENT: Councilmembers: None

(d)(5)

Cheryl Cox, Mayor

ATTEST:

(d)(5)

Donna R. Norris, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3159 had its first reading at a regular meeting held on the 22nd day of June 2010 and its second reading and adoption at a regular meeting of said City Council held on the 13th day of July; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

Executed this 13th day of July 2010.

(d)(5)

Donna R. Norris, CMC, City Clerk